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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/753,228	12/28/2000	Jonathan M. Zweig	3239P063	9333

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BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 WILSHIRE BOULEVARD
SEVENTH FLOOR
LOS ANGELES, CA 90025-1030

EXAMINER

NGUYEN, TU X

ART UNIT	PAPER NUMBER
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2618

DATE MAILED: 11/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/753,228

Applicant(s)

ZWEIG, JONATHAN M.

Examiner

Tu X Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-12, 17-19 and 30-38 is/are pending in the application.
- 4a) Of the above claim(s) 1-5, 9 and 20-29 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-12, 17-19 and 30-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 60/226,342.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Applicant's arguments with respect to claims 6, 30 and 34 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6-7, 9-10, 20-21 and 25, are rejected under 35 U.S.C. 103(a) as being obvious over Moon et al. (US Patent 6,671,266) in view of Yun (US Patent 6,463,295).

Regarding claims 6, 20 and 25, Moon et al. disclose method comprising:

transmitting a signal having a first level of effective isotropic radiated power by a first wireless electronic device (see 61, fig. 6);

reducing a level of effective isotropic radiated power to a second level of effective isotropic radiated power if a response to the signal is received by the first wireless electronic device within a predetermined period of time (see col.11 lines 41-44).

Moon et al. fail to disclose power in accordance with a logarithmic function.

Yun discloses power in accordance with a logarithmic function (see col.8 lines 39-40).

Therefore, It would have been obvious to one of ordinary skill in the art at the time the

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invention was made to modify the system of Moon with the above teaching of Yun in order to provide power gain (DB) in function of logarithmic calculation.

Regarding claims 7, 21, Moon et al. disclose increasing a level of effective isotropic radiated power to a third level of effective isotropic radiated power if no response to the signal is received by the first wireless electronic device within the predetermined period of time (see col.11 lines 45-49).

Regarding claim 9, the modified Moon et al. disclose the increase of the level of effective isotropic radiated power is performed in accordance with a logarithmic function (see Yun, col.8 lines 39-40).

Regarding claim 10, Moon et al. disclose the first wireless electronic device is an access point (see 61, fig.6, "BS" corresponds to "access point").

Claims 11-12, 22-24 and 27-29, are rejected under 35 U.S.C. 103(a) as being obvious over Moon et al. (US Patent 6,671,266) in view of Yun (US Patent 6,463,295) in view of Oberholtzer et al. (US Patent 5,465,399).

Regarding claims 12, 24 and 29, the modified Moon et al. fail to disclose a rate of change from the first level of effective isotropic radiated power to the second level of effective isotropic radiated power is greater than a rate of change from the second level of effective isotropic radiated power to the third level of effective isotropic radiated power.

Oberholtzer et al. disclose the second power level is greater than the first power level and the first power level is greater than the third power level (see abstract, Oberholtzer et al. teaching minimum power < increase power by P_d < maximum power). Therefore, It would have been

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obvious to one of ordinary skill in the art at the time the invention was made to modify the system of the modified Moon et al. with the above teaching of Oberholtzer et al. in order to provide incrementally power from minimum power level up to maximum power level).

Regarding claims 11, 22-23 and 27-28, the modified Moon et al. fail to disclose the second power level is greater than the first power level and the first power level is greater than the third power level.

Oberholtzer et al. disclose the second power level is greater than the first power level and the first power level is greater than the third power level (see abstract, Oberholtzer et al. teaching minimum power < increase power by P_d < maximum power). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of the modified Moon et al. with the above teaching of Oberholtzer et al. in order to provide incrementally power from minimum power level up to maximum power level).

Claims 17-19, are rejected under 35 U.S.C. 102(e) as being anticipated by Moon et al. (US Patent 6,671,266) in view of Yun further in view of Lappetelainen et al. (US Patent 6,842,605).

Regarding claims 17-18, the modified Moon et al. fail to disclose the response to the signal is a beacon from a second wireless electronic device.

Lappetelainen et al. disclose the response to the signal is a beacon from a second wireless electronic device (see col.7 lines 19-27). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Moon

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et al. with the above teaching of Lappetelainen et al. in order to indicate power require to the mobile station.

Regarding claim 19, the modified Moon et al. disclose the response to the signal is a message from a second wireless electronic device (see Lappetelainen et al., col.7 lines 43-44).

Claims 32-33, are rejected under 35 U.S.C. 103(e) as being anticipated by Porter et al. (US Patent 6,745,013).

Regarding claims 32-33, Porter et al. fails to disclose the setting of the power level includes increasing the power level of the signal if the first suggested power level is greater than the first determined power level. The Examiner takes an Official notice is taken that the concept adjusting transmission power is well known in the art. It would have been obvious the transmission power signal is adjusted bases on measurement of a reception signal and being compared with a predetermine threshold, wherein the threshold value based on other factors such interference of propagation delay value.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

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Claims 30-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Porter et al. (US Patent 6,745,013).

Regarding claim 30, Porter et al. disclose a method comprising: receiving a signal from a first wireless electronic device; determining a power level of the signal (see col.2 lines 34-45); comparing the power level to determined power levels stored within entries of a conversion table, the conversion table including a plurality of entries associated with determined power levels and a plurality of entries associated with suggested power levels, each suggested power level corresponding to one of the determined power levels; and setting the power level of the signal to a first suggested power level of the suggested power levels corresponding to a first determined power level of the determined power levels if the power level matches the first determined power level (see col.3 lines 18-24).

Regarding claim 31, Porter et al. disclose maintaining the power level of the signal if the power level fails to match any power level of the first group of determined power levels (see col.8 lines 45-60).

Claims 34-38 are rejected under 35 U.S.C. 102(e) as being anticipated by Feder et al. (US Patent 6,438,363).

Regarding claim 34, Feder et al. disclose a method comprising: detecting a beacon from a neighboring access point by a device (see col.6 lines 10-11); determining a power level of the beacon (see col.6 lines 31-32); and decreasing a power level for transmission of signals from the device upon detecting that the power level of the beacon is greater than a predetermined power level threshold (see col.8 lines 22-25).

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Regarding claim 35, Feder et al. disclose device being an access point (see col.8 lines 22-25).

Regarding claim 36, Feder et al. disclose maintaining maximum power levels of received beacons from neighboring access points including the neighboring access point (see col.7 lines 59-60).

Regarding claim 37, Feder et al. disclose periodically transmitting beacons from the access point at a designated power level greater than the power level to enable other neighboring access points to access channel conditions (see col.7 lines 40-44).

Regarding claim 38, Feder et al. disclose the designated power level is a full power transmission level (see col.7 lines 59-60).


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tu Nguyen whose telephone number is 571-272-7883.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban, can be reached at (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



10/24/06